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COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS

Sub-Committee of Experts on the Transport of Dangerous Goods

(Thirteenth session, Geneva, 7-17 July 1997, agenda item 5 (b))

GLOBAL HARMONISATION OF SYSTEMS OF CLASSIFICATION AND LABELLING OF CHEMICALS

Joint ILO/UN Working Group on harmonized classification criteria for flammability and reactivity

Presented by the Chairman of the working group

Guidance document

Aim of document

This document offers general guidance on how to proceed with proposals for harmonized classification criteria for flammability and reactivity of chemicals in the light of the work already done and the results achieved. The concrete technical work should be done on the basis of documents of member states and other delegations; these are not anticipated by this document.

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Introduction

The United Nations Conference on Environment and Development (UNCED) decided in Rio 1992 - inter alia - to harmonize the existing systems for classification of chemicals and to require the development of a set of harmonized classification criteria for dangerous chemicals suitable for all classification and protection purposes - especially in legislation of international, regional or national bodies.

In december 1994 the Committee of Experts on the Transport of Dangerous Goods (UN-CETDG) - on request and together with the International Labour Office (ILO) as focal point - established two Joint Working Groups (JWG). They should work out on a consensus basis the relevant hazard levels, criteria and cut-off values for the physical-chemical hazards, especially for flammability and reactivity.

The results achieved on several criteria, the status reached so far on further criteria and the questions not yet solved for some remaining criteria - and therefore needing further work by the JWG - were accepted by the UN-CETDG in december 1996 (see report in ST/AG/AC.10/23/Add.4); a request from ILO to continue the work in the next biennium and to finish the proposals for harmonized criteria was adopted. Taking into account the progress made, the UN-CETDG decided to merge both working groups and to hold two meetings of the JWG in July and December 1997 (see ST/SG/AC.10/23/paras. 147 and 204).

The report was transmitted by ILO to the meeting of the Intergovernmental Forum on Chemical Safety (IFCS) in Ottawa, 10-14 February 1997. The IFCS took note of the progres report of the focal points. It encouraged ILO and UN-CETDG to continue the work and to propose suitable sets of criteria and cut-off values for the different hazards - aiming to complete by the end of 1997.

Purpose of harmonization

It is necessary to keep in mind the purposes and aims of the harmonization proces.

Bearing in mind that Agenda 21 was adopted at UNCED in Rio in 1992 by all member states at high governmental level and as well by all international organisations represented, the question is not whether the criteria for physical and chemical hazards should be harmonized. The duty to carry out in achieving the goal is to develop on expert level hazards and hazard levels and to elaborate suitable proposals for harmonized criteria and cut-off values.

This has been underlined in the meantime by the two meetings of the IFCS and by other international bodies involved in the proces. A review of the progres achieved in implementation of the whole agenda 21 will be made at a special session of the UN General Assembly in June 1997 - UNGASS).

Furthermore the time scale was fixed by the UNCED and confirmed by IFCS; so by the end of 1997 finally agreed proposals are awaited from the focal points. The focal point for the physical-chemical hazards is ILO, the practical work is carried out by the JWG.

It also has to be mentioned that the IFCS in Ottawa in February 1997 clearly favoured a non binding instrument for the implementation of the global harmonized approach for classification and labelling. No new binding instrument - like a convention - is envisaged at present, but implementation through existing international and national regulation regimes in expected.

The high tasks to achieve requires interested and participating countries and organisations to spend more resources on the issue and requires delegates to work in the meetings of the JWG on the basis of coordinated positions of their governments and organisations.

Status of work

As far as criteria for the flammability of gases, liquids and solids are concerned, the work on the proposals for harmonized criteria was finished by the JWG in July 1996 and the proposals were adopted by the UN-CETDG in December 1996 for submission to the relevant international fora.

The proposals were then reported via ILO - as Focal Point - to the IFCS. They are envisaged to be part of the final report of the JWG when the proposals for criteria and cut-off values for the different physical-chemical hazards have been agreed on a consensus basis by the end of the year.

It is therefore suggested not to reopen the debate on them, and to keep them as already finished proposals resulting from the work of the biennium 1995/1996.

The same status was reached for the definitions and criteria for the physical state of gases, which are needed for the differentiation of technical requirements in downstream legislation - especially for the transport of dangerous goods.

Concerning the flammability of Aerosols the JWG decided to include a proposal, but work could not be finished in the past biennium. This was adopted by UN-CETDG in December 1996.

Consensus was close for the criteria for the different reactivity hazards of chemicals in several areas, but due to time reasons and extensive discussions on some other criteria, the situation seems not that clear. Work has to move on. To facilitate work clear steps to take in the two meetings of the JWG could be agreed.

Steps to take

AEROSOLS

For the flammability of aerosols the JWG is invited to agree on a definition and a set of criteria and cut-off values.

Discussions on a suitable definition already started in the meeting in July 1996. So consensus on the definition could be envisaged for the meeting in July 1997.

Discussions on the criteria for flammability of aerosols itself could not be started in the past biennium. So to get to a consensus on a proposal for global harmonization already in the meeting of the JWG in july 1997 might be ambitious. In order to move forward in practical steps, it is suggested that some basic principles are established in the meeting in July 1997 and to envisage a consensus for the criteria and cut-off values for the meeting in December 1997.

REACTIVITY

For some criteria and cut-off values for reactive dangerous properties of chemicals discussions seemed to be - almost - finished in the past biennium. So it is suggested that a consensus can be achieved in the meeting of the JWG in July 1997.

For the remaining - still deeply discussed - criteria and cut-off values technical discussions have to continue. To move forward in practical steps it is suggested that some basic principles are established within the meeting in July 1997 and to envisage to achieve a consensus at the meeting in December 1997.

Resume

So that concrete progress can be made on the outstanding issues all delegates of the JWG are invited to bear in mind the high advantages of a globally harmonized system for classification and labelling, the high task and confidence given to the JWG by the international fora involved in the implementation of agenda 21, chapter 19, and to work in the spirit of good cooperation taking into account the high political priority given to this work in the UNCED and in the second meeting of the IFCS in february 1997 in Ottawa.

Proceeding the way this document offers, might not be the pure scientific approach, but due to time reasons and to the political situation (including the request of the UNCED and the IFCS to finish work in 1997 on the proposals for the criteria and cut-off values for the different hazards chemicals may present for the globally harmonized system of classification and labelling and its application by the year 2000), the way ahead should be made in reasonable and practical steps.

Furthermore there will be only two meetings of the JWG, in July and December 1997. Therefore to avoid too much work for the december meeting, issues easy to settle should be agreed by consensus in july 1997. Work in December could than concentrate on the remaining, more complicated, open questions. This way of proceeding also allows member states and delegations to have a look back home on the remaining unsolved areas and develop concrete proposals for compromises to achieve an agreement by consensus in decembre 1997.

Questions and criteria left open or without consensus at the meeting of the JWG in December 1997 will need further consideration and and may lead to discussions and decisions on other levels and in other international or intergovernmental fora.

So these decisions might be taken outside the JWG and outside the UN CETDG, but could nevertheless lead to the need for implementation in downstream legislation inclusive e.g. for transport of dangerous goods. So it is suggested to try as much as possible to reach consensus on expert level in the JWR.

Additional and more concrete documents on the three „blocks“ of criteria and hazards:

- for the definition and criteria for flammable aerosols,
- for some reactivity criteria, where consensus is already close, and
- for the remaining, but more difficult, criteria,

- as mentioned above - aimed to facilitate discussions and to prepare the way for agreement by consensus are submitted separately (see ST/SG/AC.10/C.3/1997/27, -/C.3/1997/28 and -/C.3/1997/29).

Technical documents related to the questions to discuss and to the decisions to take should be submitted by delegations from member states or international organisations.